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Attorneys for Defendant,
U.S. TRADES, LLC

UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

REYNALDO SALINAS, ISABEL SALINAS,
AND JESSICA SALINAS, INDIVIDUALLY
AND AS REPRESENTATIVE OF THE
ESTATE OF JOSE MARTIN SALINAS,

Plaintiffs,

vs.

AMTECK OF TEXAS, AMTECK OF
KENTUCKY, INC. d.b.a. KENTUCKY
AMTECK, INC., U.S. TRADES, LLC,
HASKELL COMPANY d.b.a. THE
HASKELL COMPANY OF FLORIDA,
SNORKEL INTERNATIONAL, INC.

Defendants.

Case No.: 3:08-cv-01463 PJH
JUDGE: Hon. Phyllis J. Hamilton
DEPARTMENT: 3
COMPLAINT DATE: 3/17/08

**DEFENDANT U.S. TRADES, LLC'S
RE-NOTICE OF MOTION TO DISMISS**

DATE: August 27, 2008
TIME: 9:00 a.m.
DEPT: 3

DISCOVERY CUT OFF: NONE
MOTION CUT OFF: NONE
MSC DATE: NONE
TRIAL DATE: NONE

TO THE HONORABLE PHYLLIS J. HAMILTON, UNITED STATES DISTRICT JUDGE,
AND TO ALL PARTIES AND THEIR COUNSEL OF RECORD HEREIN:

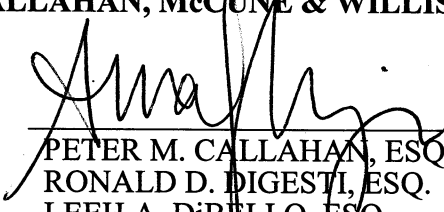
1 **PLEASE TAKE NOTICE** that on August 27, 2008, at 9:00 a.m., in Department 3 of the
2 above-entitled Court located at **450 Golden Gate, in San Francisco, California**, before the
3 Honorable Phyllis J. Hamilton, United States District Judge, Defendant **U.S. TRADES, LLC**
4 will and hereby does respectfully move this Court for an order dismissing U.S. TRADES, LLC
5 with prejudice from the above-captioned action. Undersigned defendant brings this Motion to
6 Dismiss the claims of Reynaldo Salinas, Isabel Salinas and Jessica Salinas (Individually and as
7 Representative of the Estate of Jose Salinas) as against U.S. Trades, LLC ("UST"), based on the
8 exclusive remedy of Worker's Compensation in the State of California. UST should be
9 dismissed from the civil suit because, as the employer who provided Worker's Compensation
10 benefits to plaintiffs, it is protected by the exclusive remedy rule. California Labor Code
11 §§ 3600, 3602.

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14 Respectfully submitted,

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16 DATED: July 15, 2008

CALLAHAN, McCUNE & WILLIS, APLC

17
18 By



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RONALD D. DIGESTI, ESQ.
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Attorneys for Defendant
U.S. TRADES, LLC

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